

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED FOURTEENTH LEGISLATIVE DAY
TUESDAY, MAY 5, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Acting Senator Thorson, absent and formally excused by the Chair; and Senators Andreason, Fulcher, Smyser, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Whitney Schut, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of May 4, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Fulcher and Smyser were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

May 5, 2009

The JUDICIARY AND RULES Committee reports that [S 1246](#) has been correctly printed.

DARRINGTON, Chairman

[S 1246](#) was referred to the State Affairs Committee.

May 4, 2009

The JUDICIARY AND RULES Committee reports that [S 1147](#), as amended, has been correctly engrossed.

DARRINGTON, Chairman

[S 1147](#), as amended, was filed for first reading.

May 4, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1147](#) and [H 372](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

May 5, 2009

The STATE AFFAIRS Committee reports out [S 1246](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1246](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

May 4, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 330](#), [H 331](#), [H 332](#), [H 333](#), [H 335](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), [H 353](#), and [H 371](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 330](#), [H 331](#), [H 332](#), [H 333](#), [H 335](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), [H 353](#), and [H 371](#) and ordered them returned to the House.

May 4, 2009

Dear Mr. President:

I return herewith [S 1152](#), [S 1234](#), [S 1237](#), [S 1238](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), and [S 1244](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1152](#), [S 1234](#), [S 1237](#), [S 1238](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), and [S 1244](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

May 4, 2009

The JUDICIARY AND RULES Committee reports that [S 1152](#), [S 1234](#), [S 1237](#), [S 1238](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), and [S 1244](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1152](#), [S 1234](#), [S 1237](#), [S 1238](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), and [S 1244](#) and ordered them transmitted to the House for the signature of the Speaker.

Senator Stegner was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 372](#), as amended in the Senate, by Ways and Means Committee, was read the first time at length and filed for second reading.

[S 1147](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Andreason was recorded present at this order of business.

Senator Davis requested unanimous consent that all rules of the Senate interfering with the immediate passage of [H 372](#), as amended in the Senate, be suspended.

Senator Kelly objected.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stegner, that all rules of the Senate interfering with the immediate passage of [H 372](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 372](#), as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Winder. Total - 28.

NAYS—Bilyeu, Herzfeld (Bock), Kelly, LeFavour, Sagness (Malepeai), Werk. Total - 6.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 372](#), as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Siddoway, Smyser, Stegner, Welker (Mortimer), Winder. Total - 27.

NAYS—Bilyeu, Herzfeld (Bock), Kelly, LeFavour, Sagness (Malepeai), Schroeder, Thorson (Stennett), Werk. Total - 8.

Paired and voting included in roll call:

AYE - Pearce

NAY - Thorson (Stennett)

Total - 35.

Whereupon the President declared [H 372](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1233](#), having been held, was placed before the Senate for final consideration at this time.

[S 1233](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [S 1233](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [H 341](#), having been held, was placed before the Senate for final consideration at this time.

[H 341](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword (Broadsword), Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich (Heinrich), Herzfeld (Bock), Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Welker (Mortimer), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [H 341](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

May 5, 2009

Dear Mr. President:

I return herewith Enrolled [S 1152](#), [S 1234](#), [S 1237](#), [S 1238](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), and [S 1244](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1152](#), [S 1234](#), [S 1237](#), [S 1238](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), and [S 1244](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:25 p.m. until the hour of 10 a.m., Wednesday, May 6, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary